IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3724 OF 2006

Bhima Jagannath Patil Petitioner
versus
The State of Maharashtra Respondent

Shri Anilkumar Patil for petitioner.
Mrs. Mhatre, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th October 2006

PC :

1. The applicant apprehends arrest in connection with CR No.60 of 2006 registered with Yevla City Police Station.

2. Offence alleged is punishable under sections 306 r/w 34 of IPC..

3. The applicant carries on business at Dhule. He states that a news item appeared in a news paper published from Nashik wherein it was stated that the deceased committed suicide because of harassment by some persons. An FIR is lodged by the brother of deceased. He has stated that the deceased was forced to book some orders from Farmers/Agriculturists for Fertilizers. The said orders were booked because of the insistence,

according to the deceased, of Dilip Patil and Deepak Patil, who had called the deceased to Yevla. The deceased was working with Bhagyesh Agrotech as Salesman. He was posted at Kannad at the relevant time. However, according to the complainant, the grievance of Dilip Patil and Deepak Patil as also others, is that the deceased has not accounted for the monies which have been collected after the orders were booked. Since the monies were not paid over and accounted for, that it is alleged that the deceased was harassed amongst others by even applicant. The names of those harassing the deceased include the applicant.

4. Upon a perusal of the application and the statement of the complainant so also the order passed by the learned Trial Judge, it appears that the applicant had not been instrumental in harassing the deceased and directing him to take certain orders or even recoveries of sums. All that is alleged is that the applicant along with others told the brother of the deceased that his brother would be harassed if the amounts are not paid expeditiously.

5. The applicant carries on business in Dhule District. It is true that the shop Bhagya

Agrotech is situate at Dhule. The applicant is a partner in the said business. However, beyond the applicant employing the deceased, prima facie, it does not appear that the applicant had called upon the deceased to perform certain acts for the firm and during the course of the same insisted upon monies being brought in the accounts of the firm. The transaction appears to be with some distinct persons.

6. In such circumstances, I find substance in the contentions of Shri Patil that the custodial interrogation would not be necessary. The applicant has been implicated only because the deceased was employed in the firm in which the applicant was a partner. Even the complainant is not residing at Yevla or Dhule. In such circumstances, the applicant deserves bail. More so, when he has attended as directed and assures that as and when summoned he would attend the concerned Police Station. Hence, following order.

7. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.60 of 2006 registered with Yevla City Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- (Rs.Fifteen thousand only) with one or two sureties in the like sum;

(ii) The applicant shall report to Yevla City Police Station, District Nashik as and when summoned;

(iii) The applicant shall forthwith furnish his residential address to the concerned I.O. and shall not change his residence without prior intimation to the I.O;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vi) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief;

(vii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)